



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

TDK
F.#2011R00935

271 Cadman Plaza East
Brooklyn, New York 11201

September 12, 2011

BY HAND and ECF

Gerald Shargel, Esq.
570 Lexington Avenue
45th Floor
New York, NY 10022

Re: United States v. James Rosemond
Criminal Docket No. 11-CR-424 (S-3) (JG)

Dear Mr. Shargel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, please find enclosed with this letter discovery in the above-referenced matter. Please also consider this letter to be the government's request for reciprocal discovery.

1. Statements of the Defendant

Please find enclosed a compact disc titled "Confidential Recordings 2," which contains a consensual recording of a conversation in which the defendant was a participant as well as a video that depicts a cooperating witness providing a Blackberry telephone to co-defendant Jason Williams. Also contained therein is a draft transcript of a recording that took place on May 11, 2011 which was previously supplied to the defense on July 6, 2011, titled "RC4."

Please also find enclosed a CD titled "Rosemond 2nd Production," which contains a subfolder titled "Inmate Recordings," which includes: 1) a recording of a telephone call between the defendant and federal inmate Kesner Rosemond; and 2) a recording of a telephone call between the defendant and federal inmate Lou Hobbs, in which the defendant is first heard at approximately 9:00 minutes.

Please also find enclosed a DEA report, titled "Bberry 101Wiloughby," Bates-numbered 101Will1000106 - 101Will1000114, containing a DEA report detailing emails recovered from a Blackberry telephone that was seized on May 11, 2011 at the defendant's apartment located in Brooklyn, New York.

Please also find a subfolder marked "Blackberry," Bates-numbered BlackBerry0000001 - BlackBerry000175, which contains information recovered from a Blackberry telephone that was used by a cooperating witness on behalf of the Rosemond Enterprise. Please note that a video located on the disc marked "Confidential Recordings 2," marked "RC12," depicts this cooperating witness providing the phone to co-defendant Jason Williams. The information contained in this folder was removed prior to the transfer of the phone to Mr. Williams. Please also note that this very phone was recovered from the defendant's apartment and is referenced in the previous paragraph.

Please find enclosed a DEA report titled "Blackberry N-205," detailing emails recovered from a Blackberry telephone that was used by a cooperating witness on behalf of the Rosemond Enterprise from May 5, 2011 to May 12, 2011, Bates-numbered N205000001 - N205000016.

Please find enclosed a file titled "Hand Written Letters," marked HWL0000001 - HWL000003, which contain two letters written by the defendant to federal inmate Dexter Isaac, dated 11/25/07 and 12/25/07.

2. Documents and Tangible Objects

Please find enclosed a folder titled "Wilshire Blvd," containing photographs and copies of items recovered by California law enforcement officials during their execution of a search warrant at 10390 Wilshire Blvd, Apartment #1008, located in Los Angeles, as well as the search of a parcel addressed to that location. Please also find enclosed reports pertaining to those searches as well as search warrant affidavits. The items are Bates-numbered WILSHIRE000001 - WILSHIRE000057.

Please find enclosed a file titled "Fedex Shipping Details," Bates-numbered FEDEX000001 - FEDEX000022, containing copies of federal express labels recovered from the office of the defendant's accountant.

Please find enclosed a folder labeled "Bayside" containing photographs taken by DEA agents during their execution of a search warrant at 209-03 41st Ave., 1st Floor, Bayside, New York. Please also find in the file a DEA report and a search warrant affidavit pertaining to the above mentioned search, as well as lab reports pertaining to the narcotics and firearm found therein. These documents are Bates-numbered BAYSIDE000001-BAYSIDE000081.

Please find enclosed a file titled "LAX Seizure 5.2.11" Bates-numbered LAX000001 - LAX000012, containing photographs of approximately \$43,000 seized from a passenger at Los Angeles International Airport on May 2, 2011. The file also contains a written statement from the aforementioned passenger.

Please find enclosed a file titled "SW Execution at 65th St.," Bates-numbered 65ST000043 - 65ST000045, detailing the evidence recovered by DEA agents at 425 E. 65th Street, Apartment #18, on May 11, 2011.

Please find enclosed a file titled "Recovered Disposable Camera Photos," containing copies of photographs that were taken from a disposable camera recovered inside of 425 E. 65th Street, Apartment #18, on May 11, 2011. The photographs are Bates-numbered 65ST000045 - 65ST000067.

Please find enclosed a folder title "Mario Rosemond Seizure," containing photographs depicting approximately \$800,000 in cash seized from co-defendant Mario Rosemond by the California Highway Patrol on November 3, 2009. The photographs are Bates-numbered LAX000001 - LAX000012.

Please find enclosed a file titled "Application and Order - 3477930234," pertaining to prospective cell-site information as well as a pen register for telephone number (347) 793-0234, dated May 5, 2011. Please note that the information obtained as a result of this Order was provided in the government's first discovery production on July 6, 2011.

Please also find enclosed two files containing documents provided to the government by Rokit Cargo, specifically referencing pickups and deliveries at Carrol Audio and Interscope Records, Bates-numbered RIC000592 - RIC000656.

Please also find enclosed one DVD marked "Rosemond 1st Production" and one CD marked "Confidential Recordings 1," both of which were previously produced to the defendant's previous lead counsel on July 6, 2011.

3. Brady Materials

The government is unaware of any exculpatory material regarding the defendant in this case. The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if

any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notices.

If you have any further question or request, please do not hesitate to contact me. The government will supplement this letter as appropriate.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: _____/s_____
Todd Kaminsky
Assistant United States Attorney
(718) 254-6376

Enclosures

CC: Clerk of Court (JG) (w/o enclosures)